

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number: 04-10246-PBS

UNITED STATES OF AMERICA)
)
)
v.)
)
BRIAN TODD and)
SHAUN TODD)

MOTION IN LIMINE
(Alleged Admissions of Shaun Todd Against Brian Todd)

NOW COMES the defendant in the above-entitled matter and hereby moves the Court for an order prohibiting the Government from introducing evidence relative to, or commenting about, alleged admission of the defendant, Shaun Todd to Taryn Tinkham, as it relates to the activity of Brian Todd.

In support of the within Motion, the defendant states as follows:

1. A Government witness, Taryn Tinkham, intends to testify that the defendant, Shaun Todd, told her that he was asked by his brother, the defendant Brian Todd, to drive him to a bank and wait for him. This witness will further testify that Shaun Todd stated he did, in fact, drive his brother Brian Todd to a bank, waited for him, and drove him away from the bank.
2. The alleged admissions of the defendant, Shaun Todd, do not satisfy the conditions set forth in Fed. R. Evid. , 801 (d)(2)(E). See also U.S. v.

Petroziello 548 F. 2d 20, 23 (1st Cir. 1977), U.S. v. Baines, 812 F. 2d 41, 42 (1st Cir. 1987).

3. The alleged admission of the defendant, Shaun Todd, also violate the defendant Brian Todd's rights under the Confrontation Clause. Bruton v. U.S., 391 123 (1968).

Dated: September 25, 2005

RESPECTFULLY SUBMITTED
FOR DEFENDANTS
BY THEIR ATTORNEY

/s/ Scott F. Gleason
Scott F. Gleason, Esquire
GLEASON LAW OFFICES, P.C.
163 Merrimack Street
Haverhill, MA 01830
(978) 521-4044

CERTIFICATE OF SERVICE

I, Scott F. Gleason, Esquire, do hereby certify that I have this date filed a copy of the within Motion In Limine (Alleged Admissions of Shaun Todd Against Brian Todd) to Donald L. Cabell, Assistant U.S. Attorney at the United States District Court, Boston, MA by electronic filing.

Dated: September 25, 2005

/s/ Scott F. Gleason
Scott F. Gleason, Esquire